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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,551	10/14/2003	Dale W. Malik	190250-1350	4958
38823 7590 08/29/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			EXAMINER HUSSAIN, TAUQIR	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/685,551	<b>Applicant(s)</b> MALIK, DALE W.	
	<b>Examiner</b> Tauqir Hussain	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13-19, 21-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-19, 21-27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/14/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This office action is in response to amendment /reconsideration filed on 06/22/2007, the amendment/reconsideration has been considered. Claims 5, 12, 20 and 28 have been canceled. Claims 1-4, 6-11, 13-19, 21-27 and 29 are pending for examination, the rejection cited as stated below.

***Response to Arguments***

2. Claims 1, 14, 15 and 16 were objected for an insufficient antecedent basis for limitation in the claims. Applicant has amended the claims, however it is still not clear which entity is prompting the first user for permission to convey the IM message to a third user and further, which entity is determining whether the second user is currently engaged in an IM chat session with fourth user? Appropriate correction is required.

3. Claims 5, 12, 13, 17, 20, 28 and 29 were rejected under U.S.C 112 second paragraph. Applicant has canceled claims 5, 12, 20 and 28 and has amended the claims 13, 17 and 29 therefore; Examiner has withdrawn the U.S.C 112 rejection.

4. Applicant's amendment necessitated the new grounds of rejection presented in this office action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2152

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-11, 13-19, 21-27 and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts et al. (Pub. No.: US 2003/0120805 A1), hereinafter "Coutts" in view of Becker et al. (Patent No.: US 6981223 B2), hereinafter "Becker".

7. As to claims 1, 9, 14-16, 23-25, Coutts discloses the invention substantially, including, receiving an instant messaging (IM) message from a first user to a second user ([0024, lines 2-4], where communication message is inherently an instant message and [0013, lines 12-13], where interactive communication is conducted in real time, Fig.2, Step-204, recipient and Fig.1, Step-102-108, senders and receivers);

prompting the first user for permission to convey the IM message to a third user ([0038, lines 14-19] and [0027, lines 5-13]);

determining whether the second user is currently engaged in an IM chat session with a fourth user (Coutts, Abstract, where determination is made through presence and available status, where available user can be second, third or fourth). Coutts however, is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user. Becker however discloses, indicating to the first user (Becker, Fig.5, Element-100, Abstract, where status of all users are listed and each of the user knows who is available, busy or idle), that the second user is engaged in an IM chat session with the fourth user (Becker, Fig.5, Element-100, Abstract, where e.g. Deb is in meeting means he is busy chatting or having a private IM chat session with user

which could be fourth user and his status is listed already on the graphical user interface meaning Deb's status is known to Anne in above example).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Coutts with the teachings of Becker in order to provide a messaging session management graphical user interface architecture of the present invention provides a graphical indexing element to facilitate the user's management of multiple messaging sessions.

8. As to claims 2 and 17, Coutts and Becker discloses the invention substantially as in parent claims 1 and 16, including, receiving an input from the first user (Coutts, [0024, lines 2-4], where communication message is inherently an instant message which can also be an input), the input being indicative of the permission to convey the IM message to the third user (Coutts, Abstract, where forwarding list or buddy list is obviously has the permission by default to have the messages forwarded to any user in the forwarding list); and

conveying the IM message to the third user in response to receiving the input (Coutts, Abstract, where message is forwarded to next person listed on the forwarding list).

9. As to claim 3, 10, 18 and 26, Coutts and Becker discloses the invention substantially as in parent claims 2, 9, 17 and 25, including, indicating to the first user that the IM message is being conveyed to the third user (Coutts, [0041, lines 1-13], where communication message is inherently an instant message and [0013, lines 12-13],

where interactive communication is conducted in real time and where response to sender's message itself is a delivery confirmation of a message).

10. As to claim 4, 11, 19 and 27, Coutts and Becker discloses the invention substantially as in parent claim 2,9,16 and 25, including, indicating to the third user that the IM message originated from the first user (Coutts, [0044, lines 1-3], where server/proxy indicating to the second recipient B that the IM message originated from the first sender A).

11. As to claims 6 and 21, Coutts and Becker discloses the invention substantially as in parent claims 1 and 16, including, waiting a predefined time interval prior to requesting prompting the first user for permission (Coutts, Abstract, Where forwarding list is a prompting for permission and obviously there is criteria set for forwarding if the user is not available arguably, where predefined time could be null).

12. As to claims 7 and 22, Coutts and Becker discloses the invention substantially as in parent claim 6, including, a second user as unavailable, in the absence of a response from the second user during the predefined time interval, that the second user is unavailable (Coutts, Abstract, where if the target device is unavailable the message is forwarded to particular next device means the device or user is not available and obviously there is criteria set for forwarding if the user is not available arguably, where predefined time could be null). Coutts do not explicitly disclose, indicating to the first user that the second user is unavailable. Becker however, discloses, indicating to the first

user that the second user is unavailable (Becker, Fig.5, Element-100, Abstract, where element-100 shows the status of all the users among themselves).

13. As to claim 8, Coutts and Becker discloses the invention substantially as in parent claim 6, including, wherein requesting permission from the first user is responsive to an absence of an input from the second user during the predefined time interval ([0038, lines 14-19], recipient responses against unavailability of the second recipient and arguably predefined time interval could be null).

14. As to claims 13 and 29, Coutts and Becker discloses the invention substantially as in parent claims 6 and 25, including, further indicating to the first user, in response to determining that the first recipient is engaged in an IM chat session with a fourth user (Becker, Fig.3-7, Abstract, where status of users are displayed among themselves e.g. in meeting, idle, available etc., that an IM chat session is being established between the first user and the third user the tabs in figures indicates which sessions are active and established).

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references, as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

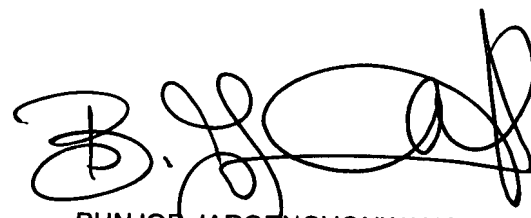
**Conclusion**

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER  
8/23/7



Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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